

Exhibit B

BRANDON, Eric

From: Jason Zweig <jaz@kellerlenkner.com>
Sent: Thursday, December 16, 2021 12:16 PM
To: MCCALLUM, Robert; Martha Reiser; Kevin Orsini; Salah M. Hawkins; BRANDON, Eric
Cc: Zeke DeRose; Zina Bash; mevansaziz@wsgr.com; Alex J. Brown; Thorne, John; Maier, Eric J.; Caitlin Coslett; Ted Maya; 'Stuart Davidson'; Ashley Keller; Brooke Smith
Subject: Google-Confidentiality Order
Attachments: 2021.12.13 Draft Confidentiality Order (Plfs States Addl Comments).docx

Dear Google and Facebook Counsel:

Thanks for the call earlier this week to discuss the draft protective order. I know my co-counsel Zeke DeRose reached out to both Rob (Google) and Kevin (FB) this morning by phone to discuss this draft with you, and to discuss how we could move this process forward more expeditiously.

As we mentioned during the call, our state clients had some additional comments on the draft confidentiality order including a few substantive edits, one of which I mentioned on the call (*i.e.* ensuring that attorneys within the AGs office can see confidential and highly confidential documents). Attached is the revised draft order that contains those comments, which I believe all private plaintiffs have signed off on. I am duty bound to tell you that not all state plaintiffs have signed off on this draft. But, while I will not guarantee it, I don't expect much by way of additional comments from any states (whether we represent them or not). The redlines in this draft, are the same redlines which appeared in the draft we sent on December 7, PLUS the new redlines. I know that might make it harder to see what the new changes are, however, I thought it wasn't appropriate to accept the redlines from the draft we communicated on December 7, since defendants had not agreed to those changes yet.

As to source code, you will see that we moved it from the body of the order to an appendix in the draft. Because we currently don't anticipate seeking source code from Facebook, we thought it made sense to limit to just Google.

Finally, as a general matter, the plaintiff group collectively is dissatisfied with the pace of this process. As for Google, it simply isn't an acceptable pace to take a week or more to respond to our comments, and, to continually point (seemingly as punishment) to a single instance of plaintiffs taking nearly three weeks to respond to Google. I note that the plaintiffs' group consists of many different groups, and, it takes a little time to try and communicate with all of them, whereas Google is one party and should be able to respond quickly. Further, the instance to which you refer was at a time earlier in the relationship among the plaintiffs when logistics among the plaintiff group were still being worked out. As you have seen recently, the plaintiff group is now able to move more nimbly and speak with a unified voice, which we expect will continue

from here on out. As for Facebook, it has been nearly *two months* and they have not provided any comments, and only now suggest that they may have comments, which, at this late stage, has the potential to slow things down even more. We intend to continue to try and negotiate and good faith in an effort to agree upon a confidentiality order. However, we will no longer accept the status quo in terms of pace. Thus, at some point in January, we will seek the Court's assistance with any outstanding issues on the confidentiality order.

Thanks in advance and as always, happy to discuss further.

Jason Zweig

Partner

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